

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

Suits Naming the Tennessee Clinic Defendants

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

AFFIDAVIT OF MATTHEW H. CLINE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Matthew H. Cline, after first being duly sworn, states as follows:

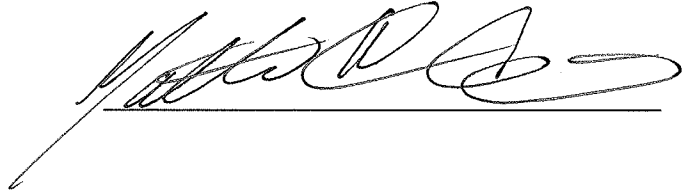
1. I am over 18 years of age, have personal knowledge of the facts contained herein, and I am competent to testify. I am one of the attorneys representing the Tennessee Clinic Defendants in these cases.
2. Our firm will be preparing the cross-motion for summary judgment and response to the PSC's motion for partial summary judgment. Preparing the response and cross-motion will be an extremely involved and time-intensive process.
 - a. We will, of course, need to address the legal issue raised by the motion, which, as the Court is aware, is a novel question of Tennessee law.
 - b. We will need to confirm the accuracy or inaccuracy of factual representations in the PSC's memorandum.

- c. We will need to locate and cite to documents from the nearly 300,000 page repository of documents, in addition to documents that are in the process of being produced.¹
 - d. We will need to cite to portions of multiple transcripts from the more than a dozen depositions taken in the STOPNC cases.
 - e. Finally, we will likely need to prepare affidavits to file in support of the cross-motion and response.
3. I estimate that preparing our cross-motion and response will take dozens of hours.
4. Concurrently with the briefing on the motion for summary judgment, we will be concluding common discovery, including multiple depositions from across the country², and beginning case-specific discovery simultaneously in several individual Tennessee cases.
5. I believe that we will need at least 60 days to adequately brief the motion for summary judgment, given the extensive work required to brief the motion for summary judgment and the other work on these cases scheduled to occur simultaneously.
6. We will be prejudiced if we are not granted the requested extension because we will be unable to adequately and effectively prepare a response to this very important motion.
7. The requested extension is reasonable based on previous extensions given the PSC to respond to similar dispositive motions.

¹ *E.g.*, Orders Compelling Production of Documents, Dkts. 2234, 2235.

² Presently, depositions are expected to occur in Dallas, Texas, Saint Louis, Missouri, and Boston, Massachusetts.

8. We have met and conferred with the PSC on this issue. They do not consent to our requested extension.



Sworn to and subscribed by me on this 19th day of October, 2015.


(Notary Public)

My Commission Expires: 07/03/2017

